



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,578	09/14/2000	Gina C. Eubanks	SONY-50P3806	9174

7590 09/16/2003
Wagner Murabito & Hao LLP
Two North Market Street Third Floor
San Jose, CA 95113

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
----------	--------------

2155

2

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,578

Applicant(s)

EUBANKS, GINA C.

Examiner

Khanh Dinh

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bezos et al., US pat. No.6,029,141.

As to claim 1, Bezos discloses a computer-implemented method for facilitating a transaction between a subscriber (108 fig.1) and a vendor (100 fig.1) through an intermediary (106 fig.1), said method comprising the steps of:

receiving at said intermediary personal information from said subscriber to establish a user account and storing said personal information for subsequent access (using online registration process to allow users to register, see fig.1, abstract, col.6 lines 1-47 and col.11 line 27 to col.12 line 42).

receiving at said intermediary a request from said subscriber to access (customer access) said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information (see col.6 line 41 to col.7 line 51 and col.13 line 8 to col.14 line 52).

responsive to successful verification of said subscriber's identity, said intermediary entering into a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction and notifying said subscriber upon completion of said transaction (processing customer's "check-outs"), wherein said transaction is completed without disclosing said personal information about said subscriber to said vendor (see col.14 line 38 to col.15 line 60).

As to claim 2, Bezos discloses preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period (see fig.9 and 10a, col.15 line 17 to col.16 line 67).

As to claim 3, Bezos discloses receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction and billing said subscriber for services (customers' purchases) rendered (see fig.9 and 10a, col.15 line 17 to col.16 line 67).

As to claims 4 and 5, Bezos discloses notifying said subscriber upon receipt of said item and holding said item for pick-up by said subscriber and shipping said item to said subscriber (specifying payment and shipping information, see fig.9 and 10a, col.14 lines 1-51 and col.15 line 17 to col.16 line 67).

As to claims 6 and 7, Bezos discloses receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item and handling said post-delivery request on behalf of said subscriber and consisting of a return request, a repair request, an exchange request, a warranty submission request and a rebate request (see fig.9 and 10a, col.14 lines 1-51 and col.15 line 17 to col.16 line 67).

As to claim 8, Bezos discloses maintaining at said intermediary rating information about said vendor; and providing said rating information to said subscriber (see col.6 line 22 to col.7 line 60 and col.9 lines 9-67).

As to claims 9 and 10, Bezos discloses providing purchase financing to said subscriber in said transaction over the Internet (see fig.9 and 10a, col.14 lines 1-51 and col.15 line 17 to col.16 line 67).

Claims 11-20 are rejected for the same reasons set forth in claims 1-10 respectively.

Claims 21-28 are rejected for the same reasons set forth in claims 1-7 and 10 respectively.

Other prior art cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Fisher et al., US pat. No.6,092,189.
- b. Call, US pat. No.6,154,738.
- c. Call, US pat. No.6,418,441.
- d. Saylor et al., US pat. No.6,501,832.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone number for this group is (703) 746-7239.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Application/Control Number: 09/661,578
Art Unit: 2155

Page 6

Khanh Dinh
Patent Examiner
Art Unit 2155
9/6/2003


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER